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Swarm Technology LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

JUNIPER NETWORKS, INC. and
APSTRA, INC.,

Plaintiff,

v.

SWARM TECHNOLOGY LLC,

Defendant.

Case No. 3:20-cv-3137-JD

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINE TO
FILE AMENDED COUNTERCLAIMS**

Location: Courtroom 11, 19th Floor
Judge: Hon. James Donato

STIPULATION TO EXTEND
DEADLINE TO FILE
AMENDED COUNTERCLAIMS

CASE NO. 3:20-CV-3137-JD

Pursuant to Local Rules 6-2(a) and 7-12, Plaintiff Juniper Networks, Inc. and Apstra, Inc., (collectively, “Plaintiffs”) and Defendant Swarm Technology LLC (“Swarm”) hereby stipulate, subject to the Court’s approval, to extend the Court’s August 15, 2022 deadline for Swarm to file amended counterclaims as set forth in this Court’s Order dated August 1, 2022 (Document No. 92).

Swarm seeks an extension of the current deadline of August 15, 2022 until fourteen (14) days following a final ruling on Swarm’s Motion for Leave to File a First Amended Complaint (“Motion”) currently pending in the District of Arizona in *Swarm Technology LLC v. Amazon.com Incorporated, et al.*, Case 2:21-cv-00438-DWL (“*Swarm v. Amazon*”). On August 2, 2022, the Arizona Court scheduled a hearing on the Motion for August 16, 2022. The Arizona Court also stated that it would issue a tentative ruling on that Motion before the hearing. *See* Dkt. No. 94 in *Swarm v. Amazon*. Swarm seeks this extension because the Arizona Court’s ruling will influence Swarm’s actions here regarding its counterclaims and will potentially conserve judicial and party resources.

Plaintiffs have agreed to Swarm’s requested extension.

Upon notification of the final ruling from the Arizona Court, the parties will advise this Court of the new due date for Swarm’s amended counterclaims.

No other deadlines will be impacted by this extension. The parties have previously stipulated to two extensions for Swarm to respond to the original complaint (Dkt. Nos. 16-17), an extension for Juniper to respond to Swarm’s original motion to dismiss (Dkt. No. 21), an extension for Plaintiffs to respond to Swarm’s motion to dismiss the amended complaint, for Swarm to file its reply in support of its motion to dismiss, and the hearing on Swarm’s motion to dismiss (Dkt. Nos. 41-42), an extension for Plaintiffs to respond to Swarm’s counterclaims (Dkt. Nos. 67-68), and an extension for Plaintiffs to file their reply to Swarm’s opposition to Plaintiffs’ motion to dismiss Swarm’s counterclaims (77, 81).

Dated: August 4, 2022

Respectfully submitted,

By /s/ Michael K. Kelly

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By /s/ Ken K. Fung

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Filer's Attestation: I attest that counsel for the parties have concurred in this filing.

/s/ Suneel Jain

Suneel Jain

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2022, I caused the foregoing document to be served via the Court's CM/ECF system on all counsel of record per Local Rule CV-5(5).

/s/ Suneel Jain

Suneel Jain

STIPULATION TO EXTEND
DEADLINE TO FILE
AMENDED COUNTERCLAIMS

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CASE NO. 3:20-CV-3137-JD

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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4 Dated:

5 JAMES DONATO
6 United States District Judge
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27 STIPULATION TO EXTEND
28 DEADLINE TO FILE
AMENDED COUNTERCLAIMS